

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 29TH MARCH 2007 / 8TH CHAITHRA 1929

Crl.Rev.Pet.No. 448 of 1999()

CRA.75/1993 of SESSIONS COURT, MANJERI
CC.38/1992 of JFCM-II, PERINTHALMANNA
.....

REVN. PETITIONER: APPELLANT/1ST ACCUSED

CHEKOTHPARAMBIL BABURAJ @ BABURAJ
S/O.PARIYANI, CHEMMALASSERI AMSOM DESOM
PERINTHALMANNA TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.V.N.ACHUTHA KURUP (SR.)
SRI.B.S.SWATHY KUMAR

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM

BY PUBLIC PROSECUTOR SRLAMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD
ON 29/03/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

CRL.R.P.448/1999

ORDER ON CRL.M.P.NO1922/1999 IN CRL.R.P.NO.448/1999

DISMISSED

29.3.2007

SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

CRL.R.P.No.448 of 1999

Dated this the 29th day of March, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 380 read with 34 IPC and sentenced to R.I. for six months. The rest of the accused were released on probation.

2. The prosecution case is that on 21.11.1991, at 2 a.m. in the midnight, the accused two in number, in furtherance of their common intention, broke open the box fitted in the jeep KL-10/388 and committed theft of a stereo set and stereo box. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that the incident has taken place more than 1½ decades of ago and that so far the accused/revision petitioner was facing criminal proceedings and living under the shadow of impending imprisonment. He was then aged below 21 years only. In the circumstances, the sentence is modified to imprisonment already undergone at the pretrial period and to pay a fine of Rs.5,000/- and in default, to undergo simple imprisonment for one month.

The revision petition is disposed of as above.

**K.R.UDAYABHANU,
JUDGE**